

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.11.2017

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
and
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P. No. 19929 of 2017

M.M. Jagbarudeen

.. Petitioner

Versus

1. District Collector
Tiruvarur
2. The Director of Town and Country Planning Authority
D.T.C.P. Complex
Thiruchirapalli
3. The Deputy Director
Town and Country Planning Authority
No.7, South Street, Ganapath Street
Thanjavur - 613 001
4. The President
Athikadai Panchayath
Tiruvarur
5. A.A.Abdul Hahim
6. D.Jameel Mohamed
7. Habeep Mohamed

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st Respondent herein to take appropriate legal action for demolishing and removing the unauthorised and illegal construction made by respondents 6 and 7 in Survey No.57/4 in 57/12 at Athikadai Village, Kudavasal Taluk, Tiruvarur District.

For Petitioner :Mr.J.Nandagopal

For Respondents :Mr. M. Digvijaya Pandian
Additional Government Pleader
for RR1 to 3

Mr.P.Sanjai Gandhi
Additional Government Pleader
for R4

Mr. Hasan Mohamed Jinnah for R5

No Appearance for RR6 & 7

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

The writ petitioner alleges unauthorized construction being put up by the respondents 5 to 7 in the approved lay out by encroaching the poromboke land comprised in Survey No.57/11 and 57/12 in Athikadai Village, Thiruvarur and selling the same in favour of third parties. In this connection, the petitioner has submitted a representation dated 13.04.2017 to the official respondents and inspite of receipt of such representation, the official respondents failed to take any action thereof. Hence, the petitioner has come forward with this writ petition.

2. When this writ petition was taken up for hearing on on 03.08.2017, the learned Additional Government Pleader had taken notice for the respondents 1 to 4 and notice was directed to be issued to the private respondents. Again, when the writ petition was listed on 18.08.2017, it was brought to the notice of this Court that despite an order dated 22.11.2013 passed in WP No. 24969 of 2013, the official respondents did not pass any orders on the representation dated 03.12.2012 of the petitioner alleging unauthorised construction made by the private respondents.

3. Today, when the writ petition is taken up for hearing, the learned Additional Government Pleader appearing for respondents 1 to 3 and the learned Additional Government Pleader appearing for the fourth respondent brought to the notice of this Court the notice bearing Na.Ka.No.1726/2017 Thama2 dated 24.10.2017 issued by the third respondent under Section 85 read with Section 56 and 57 of The Town and Country Planning Act, 1971 whereby the respondents 5 to 7 herein were called upon to show cause as why further action be not initiated against them for putting up a construction without any approval. In and by the said notice dated 24.10.2017, the respondents 5 to 7 were also called upon to stop putting up further construction failing which appropriate action will be taken to demolish the offending construction.

4. The learned counsel for the fifth respondent says the fifth respondent has nothing to do with the allegations made in the affidavit filed in support of the writ petition and

therefore he prayed for withdrawing the allegations made against the fifth respondent in this writ petition.

5. We have heard the learned counsel on either side and perused the materials placed on record. In the light of the notice dated 24.10.2017 issued by the third respondent, under the provisions of the Tamil Nadu Town and Country Planning Act, to the respondents 5 to 7, the grievance of the petitioner is redressed and consequently nothing survives for adjudication in this writ petition. Accordingly, the writ petition is closed. No costs.

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

To

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+1 CC to Mr. Hasan Mohamed Jinnah, Advocate sr 78815.
+1 cC to Mr.J. Nandagopal, Advocate sr 78750.
+1 Cc to Govt. Pleader sr 78984.

WP No.19929 of 2017

SP(04/12/2017)